

CASE NUMBER: TBD

November 9TH, 2018

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CITY OF SEATTLE
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KING COUNTY DISTRICT COURT OF WASHINGTON
AT SEATTLE – WEST DIVISION

516 3rd Ave
Seattle, WA 98104

FILED

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KCDC - West Division
Seattle Courthouse

ISABELLE KERNER,

Plaintiff,

v.

SEATTLE POLICE DEPARTMENT,

Defendant.

CASE NO. TBD

18CIV15225 KEX

COMPLAINT

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1 I. INTRODUCTION

2 1. OBLIGATION TO PERFORM UNBIASED POLICING

3 A. No officer of the Seattle Police Department (SPD) should ever allow their
4 gender, sexual orientation, race, or any other discernable characteristics
5 to interfere with their judgment when a crime has been committed.

6 B. The Fourteenth Amendment states that no "State [shall] deprive any
7 person of life, liberty, or property, without due process of law; nor deny
8 to any person within its jurisdiction the equal protection of the laws."

9 2. HISTORY OF BIAS POLICING

10 A. The SPD has a history breaking the rules and policies outlined in the
11 Seattle Police Department Manual. This has resulted in bias policing,
12 excessive use of force, and corruption within the department.

13 B. Multiple complaints, lawsuits, and investigations involving the SPD have
14 upheld the department's failure to provide services in a professional,
15 nondiscriminatory, fair, and equitable manner.

16 3. OBLIGATION TO APPLY LAWS EQUALLY

17 A. It is the SPD's job to enforce the law. The SPD is prohibited from
18 determining to whom the law applies per the Fourteenth Amendment.

19 B. The case below demonstrates that some SPD Officers are either
20 unfamiliar with basic laws or feel that they have the authority to
21 determine who is required to follow the law and who is not.

22 4. RIGHT TO FREE SPEECH

23 A. The first amendment is arguably the most well known amendment
24 amongst the public. There are very few instances when the U.S. Supreme
25 Court has made exceptions to the First Amendment. The only categories
26 of free speech that fall outside the First Amendment's protection are:
27 obscenity, child pornography, defamation, incitement to violence and true
28 threats of violence - and even within these categories there are tests that
29 must be met in order for free speech to be illegal.
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November 9TH, 2018**5. COMMON SENSE AND POLICE DISCRETION**

A. While a threat of violence may in some instances be illegal, an act of violence is always illegal. The Hate Crimes Prevention Act makes it illegal to physically harm someone based on their race, religion, national origin, gender or sexual orientation, among other characteristics. Assault is defined by common law as an attempt to initiate harmful or offensive contact with an individual. Battery is a criminal offense involving the unlawful physical acting upon a threat. Battery is defined in common law as, "any unlawful and or unwanted touching of the person of another by the aggressor, or by a substance put in motion by him." All forms of assault and battery are outlawed in Washington State under Chapter 9A.36 of the Revised Code of Washington (RCW).

B. Despite these laws, it appears that the social and racial diversity on Capitol Hill and in the greater Seattle metropolitan area has confused the SPD into thinking that they can use their discretion to determine what the law is and whom they think it should apply to.

6. CONFLICTS IN THE CLASSIFICATION OF "BIAS CRIMES"

A. According to RCW 9A.36.080 speech is only considered malicious harassment if a person "threatens a specific person or group of persons and places that person, or members of the specific group of persons. . . The fear must be a fear that a reasonable person would have under all the circumstances.... [and] a reasonable person is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim."

B. A man can easily have an obvious superior biological and physical capability to a woman. Men and women have differences in the strengths and characteristics of muscle fibers. Women are only considered to be approximately 50 to 70 percent as strong as men in upper body strength.

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60 C. According to RCW 9A.36.078, “. . .A hate crime committed against a victim
61 because of the victim's gender may be identified in the same manner that
62 a hate crime committed against a victim of another protected group is
63 identified. Affirmative indications of hatred towards gender as a class is
64 the predominant factor to consider. Other factors to consider include the
65 perpetrator's use of language, slurs, or symbols expressing hatred
66 towards the victim's gender as a class; the severity of the attack including
67 mutilation of the victim's sexual organs; a history of similar attacks
68 against victims of the same gender by the perpetrator or a history of
69 similar incidents in the same area; a lack of provocation; an absence of
70 any other apparent motivation; and common sense.”

71 D. “Bitch” is a derogatory term used against women, who in comparison to
72 men, are the disadvantaged sex and are on average 50 to 70 percent as
73 strong as men in upper body strength.

74 **7. BRIEF SUMMARY OF EVENTS**

75 A. On October 8, 2017, at approximately 12:55am, the Plaintiff, Isabelle
76 Kerner, was sitting at the end of the platform of a cherry picker (“scissor
77 lift”) illegally parked in the middle of the sidewalk outside of Nuemos on
78 the southwest corner of 10th Ave E and Pike St. She was with two friends
79 waiting for two other friends to get pizza.

80 B. A group of men walked by and called her “a stupid fucking bitch”. They
81 continued walking and someone replied, “You’re the bitch” or something
82 of that sort. She had no previous verbal or physical contact with any of
83 the men. After the group of men called her “a stupid fucking bitch” she
84 turned around to resume the conversation she was having with her
85 friends. Her face was faced east and the back of her head was faced west.

86 C. The group men ran up to the end edge of the scissor lift she was sitting
87 on, attacked her from behind, grabbed her by her hair and attempted to
88 drag her off of the 4-6 foot platform onto the concrete while they punched
89 her in the back of the head several times and continued trying to rip her
90 hair out.

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91 D. The group of men then ran west down Pike street. A bystander, Zulfiqar
92 Sohaib, who witnessed the incident, intervened to stop the assault. He
93 was punched in the face by the group of men and called 911. He remained
94 on the line while following the group of men west several blocks to the
95 intersection of Harvard and Pike streets.

96 E. At the intersection of Harvard and Pike streets, Mr. Sohaib flagged down
97 one of the Defendants, SPD Officer Donovan Lewis.

98 F. Prior to responding to the Plaintiff's 911 call, the Defendants went to the
99 intersection of Harvard and Pike streets; responding to Mr. Sohaib's 911
100 call. Mr. Sohaib led the Defendants to the corner where the group of men
101 was standing. One of the men was urinating on the sidewalk with a bottle
102 of tequila in his back pocket. This is captured and acknowledged on police
103 audio and video recording.

104 G. The Defendants told the Plaintiff that she had jumped onto one of them
105 and "twisted his wrist". The Defendant(s) told the Plaintiff the attack was
106 justified by self-defense. The Defendant(s) also told the Plaintiff that the
107 group of men had "blood all over them". The Defendant(s) also told the
108 Plaintiff the only "independent witness" was friends with the group of
109 men and was on his way to meet up with them.

110 H. Prior to questioning the Plaintiff, who was waiting in an ambulance at the
111 scene of the crime and prior to running a background check on any of the
112 men or the Plaintiff, one of the Defendants, Officer Lewis, asked the men if
113 they believe they were "targeted" by the Plaintiff for their race and/or
114 sexual orientation.

115 I. The men then seized the opportunity and alleged that the Plaintiff had
116 yelled racial and homophobic slurs at them.

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J. Defendant Officer Lewis then released the men without making any arrest and traveled with another Defendant, SPD Sergeant Raguso, and went to the scene where the attack occurred and where the Plaintiff was waiting in an ambulance. Upon his arrival, Officer Lewis immediately accused the Plaintiff of making the racial and homophobic remarks the group of men alleged and implied she deserved to be attacked.

K. The Defendants knew or should have known that a 5 foot 7 inch 108 pound female sitting at the end of a 6 foot platform is neither capable of nor would be compelled to engage in a physical fight against a group of men almost double her size. The Plaintiff was also virtually encaged on the platform she was sitting on. The Defendants implied that the accusatory statements suggested by the men justified the attack and that the Plaintiff was at fault for the incident.

L. Through this action, Isabelle Kerner, seeks to hold the Seattle Police Department collectively accountable for failing to enforce the law and for failing to follow the SPD guidelines pursuant to RCW 9A.36.080, for knowingly falsifying the police report pursuant to RCW 42.20.040, for failing to uphold their duties pursuant to RCW 42.20.100, for violating their code of conduct and failing to investigate pursuant to RCW 42.20.080, for Official Misconduct pursuant to RCW 9A.80.010, and for violating the Plaintiff's Fourteenth Amendment of Due Process and Equal protection of the laws outlined in the United States Constitution.

II. JURISDICTION AND VENUE

1. KING COUNTY DISTRICT COURT

A. The Jurisdiction of the King County District Court invoked pursuant to the Civil Rights Act, RCW 3.66.020, and the Constitution of the United States.

B. The Venue is proper in this District under 28 U.S. Code § 1391 (e) and RCW 3.66.040. The parties reside in this judicial district at time these events occurred and the events giving rise to Plaintiff's claims also occurred in this judicial district.

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III. PARTIES

1. ISABELLE KERNER

A. Plaintiff Isabelle Kerner is an individual residing in Seattle, Washington. Isabelle Kerner was born and raised in Seattle, Washington.

2. SEATTLE POLICE DEPARTMENT

A. Defendant Seattle Police Department is a municipal corporation, duly incorporated under the laws of Washington State, is the employer and principal of the defendant police officers, and is responsible for the policies, practices and customs of its Police Department, City Council, Office of Professional Accountability, and Police Board.

IV. FACTUAL ALLEGATIONS

1. TITLE 5, SECTION 1, ARTICLES 2, 10, 11, 13, AND 14 OF THE SPD POLICES MANUAL

A. 5.001-POL Article 2 states Defendants must adhere to the laws, policies and procedures outlined by the federal, state, City of Seattle, and Seattle Police Manual.

B. 5.001-POL Article 10 states Defendants must strive to be professional.

C. 5.001-POL Article 11 states Defendants must be truthful in all communication

D. 5.001-POL Article 13 states Defendants must not use their authority for personal gain.

E. 5.001-POL Article 14 states Defendants are prohibited from retaliating against any person who provides a testimony related to a complaint of allegation of misconduct.

2. THE INCIDENT – 17-374035

A. This incident took place on October 8, 2017 when the Plaintiff was physically and verbally assaulted by a group of men on Capitol Hill.

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- 174 B. On October 8, 2017 at approximately 12:55am, the Plaintiff called 911
175 after a group of men attacked her while she was sitting on the end of a
176 scissor lift with two other friends approximately 4-6 feet above ground
177 level on the Southwest corner of 10th Avenue East and Pike Street on
178 Capitol Hill.
- 179 C. The incident began as one of the men yelled that the Plaintiff was a
180 "stupid fucking bitch" as they walked past the lift.
- 181 D. The Plaintiff and turned around to continue the conversation she was
182 having with her two friends sitting next to her.
- 183 E. While the Plaintiff was facing east, the men approached the Plaintiff from
184 the west, grabbed the Plaintiff by her hair and attempted to drag her off of
185 the lift onto the concrete while punching her multiple times in the head.
- 186 F. The men continued their attempt to drag the Plaintiff off of the lift. The
187 Plaintiff resisted by wrapping her arms and legs around the bars of the
188 encaged end of the lift.
- 189 G. The Plaintiff vividly remembers staring at the concrete below her as she
190 was dangling 4-6 feet above the ground.
- 191 H. The group of men punched the Plaintiff several times in the back of the
192 head and continued to try and rip out her hair.
- 193 I. The Plaintiff clung to the bars of the lift with her legs and one of her arms
194 resulting in several contusions on her arm and both legs.
- 195 J. The men continued to assault the Plaintiff until an independent witness,
196 Zulfiquar Sohaib, intervened and pulled the men off of the Plaintiff.
- 197 K. One of the men, Francisco Hayward, then punched the witness, Zulfiquar
198 Sohaib, in the face.
- 199 L. The assailants all began running west down Pike street.
- 200 M. Mr. Sohaib immediately called 911 and remained online with the 911
201 operators while he followed the men down Pike street.
- 202 N. The 911 operator directed Mr. Sohaib to night shift patrol SPD officers,
203 one of which was Defendant, Officer Donovan Lewis.

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204 O. Mr. Sohaib mentioned to the 911 operator and to responding officers that
205 the group of men verbally threatened him three times while he was
206 following them and were attempting to pick fights with other individuals
207 along the way.

208 P. Defendants Locate Alleged Assailants

209 Q. Mr. Sohaib identified the attackers who were standing in the middle of
210 the sidewalk on the corner of Harvard and Pike street.

211 R. One of the men was captured on the Defendant's body cam video
212 urinating in the middle of the sidewalk with an open bottle of tequila in
213 his back pocket.

214 S. The Defendants are captured on video verbally acknowledging that the
215 man was violating Ordinance 9.26.070 by urinating in public and
216 violating Seattle Municipal Code 18.12.278 by having an open container
217 of alcohol in public.

218 T. The Defendants did not cite the man for either of the two violations.

219 U. Defendant Officer Lewis is captured on video speaking privately with Mr.
220 Sohaib and the group of men without his audio cam turned on.

221 V. Mr. Sohaib explains to the Defendants that he does not know a single
222 person involved in the incident, does not care about being punched in the
223 face, but does not want the men to get away, as he witnessed them attack
224 the Plaintiff and believes they "really hurt her".

225 W. Mr. Sohaib is captured speaking with Mr. Hayward and asking him
226 whether or not he remembers punching him in the face and trying to drag
227 the girl off of the lift by her hair.

228 X. Officer Lewis is captured on video trying to convince Mr. Sohaib to drop
229 any charges because Mr. Hayward and his friends are "trying to come in
230 peace".

231 Y. The Defendants categorized the crime as a "Bias Crime," classifying it on
232 the police report as "anti-homosexual (gay/lesbian)".

233 3. RCW 9A.36.080

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- A. RCW 9A.36.080 defines malicious harassment as maliciously and intentionally physically injuring, physically damaging or threatening a specific person or group of people because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. "The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this section, a "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat."
- B. The group of men alleged that the Plaintiff had yelled racial and homophobic slurs at the men, calling them "niggers and faggots" only after one of the Defendants, Officer Donovan Lewis, suggested this.
- C. The Plaintiff is a 110 pound 5 foot 6 inch female with no previous charges or convictions for any crime.
- D. The Plaintiff denied making any of these remarks and offered to take a polygraph to prove her innocence.
- E. The Plaintiff was born and raised in Seattle, WA, attended Garfield High School where approximately 60% of the student population are minorities.
- F. The reason the Plaintiff was sitting on the lift was to avoid any possible danger by staying out of the crowded sidewalk where she has seen fights break out. She was waiting for two of her friends she met at Garfield High School, one of whom is African American, to get pizza.

4. DEFENDANTS ABUSE DISCRETION

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- 263 A. Any one of the Defendants have the technology and ability to run an
264 individual's name through their database to check the criminal record of
265 that individual at any given time. This information is provided to the
266 Defendant and funded by the public so that they can use their knowledge
267 of an individual's prior history to exercise their discretion and protect the
268 public.
- 269 B. The men alleged to officers that the Plaintiff tried to grab one of the men,
270 Israel Ragunton's, by the wrist and "attack" him.
- 271 C. Mr. Hayward admitted to officers that he grabbed and pulled the Plaintiffs
272 hair in an attempt to "pull her off" of Mr. Ragunton.
- 273 D. Mr. Ragunton is 6 feet tall and weighs 190 lbs.
- 274 E. Mr. Hayward is 5 feet tall, weighs 140 lbs. and has multiple prior charges,
275 convictions and protection orders against him for assault, DUI's,
276 possession of a stolen vehicle, forgery, ect. Mr. Hayward was arrested
277 twice for assault after this incident in the same vicinity where it originally
278 occurred.
- 279 F. The only injury discussed in detail within the Defendant's police report
280 was Mr. Ragunton's broken fingernail.
- 281 G. At the time of this incident, Mr. Ragunton's nails were approximately 2-3
282 inches long and were likely "injured" from trying to rip the Plaintiff off of
283 the lift by her hair.
- 284 H. After questioning the men and before questioning the Plaintiff, the
285 Defendants are captured on video laughing with the group of men about
286 how the Plaintiff was lucky no one had a gun or a knife.
- 287 I. Just before their departure to the scene where the incident occurred, the
288 Defendants are captured on audio saying, "Alright, let's find these girls
289 and hold'em".
- 290 J. Defendants Intentionally Disabled Audio and/or Video Devices
- 291 K. After releasing all of the men, the Defendants headed to 10th Ave and
292 East Pike Street where the Plaintiff was waiting in an ambulance.

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293 L. Several of the Defendants traveled by foot to the scene where the Plaintiff
294 was waiting while another Defendant, Sergeant Raguso, accompanied
295 Officer Lewis in a patrol car. Defendant Sergeant Raguso disabled or
296 turned off his audio recorder during this ride.

297 M. At least one of the Defendants intentionally turned off or deleted the
298 audio and/or video recordings of the Plaintiff after assuring the Plaintiff
299 the interaction between the Plaintiff and the Defendants was being
300 recorded.

301 **5. DEFENDANTS APPROACH SCENE OF INCIDENT AND ENCOUNTER PLAINTIFF**

302 A. The Plaintiff had a series of injuries including, a swollen right knee, a
303 swollen left knee, a football sized contusion on her right thigh, swelling
304 on her scalp, contusions on her left arm, contusions on her right arm, a
305 dime sized cut on her right elbow and bald spots in the areas that the
306 attackers had ripped out her hair.

307 B. The Plaintiff was very distressed and in a considerable amount of pain
308 when the Defendants arrived.

309 C. Upon entering the ambulance one of the Defendants, Officer Lewis,
310 scoffed at the Plaintiff and said "So what's wrong with you?"

311 D. Prior to his arrival, Defendant Officer Lewis was very fired up and
312 appeared angry. Two paramedics who were in the ambulance at this time
313 as well as one of the Plaintiff's friends corroborate this. It is also
314 corroborated multiple times in the related OPA case file.

315 E. The Plaintiff then told Defendant, Officer Lewis, what had happened.

316 F. The Plaintiff immediately recognized Defendant Officer Lewis's contempt
317 against her as he continued to speak to the Plaintiff in an intimidating and
318 aggressive tone.

319 G. Defendant Officer Lewis then accused the Plaintiff of yelling racial and
320 homophobic slurs at the three attackers.

321 **6. DEFENDANTS INTENTIONALLY FALSIFY INFORMATION**

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322 A. When the Plaintiff asked Defendant Officer Lewis if she could videotape
 323 him while he spoke to her so she could retain evidence of his misconduct,
 324 he slapped his chest to a red flashing device and said, "See this? It's
 325 already being recorded".

326 B. There is no evidence of any audio recording inside the ambulance where
 327 Defendant Officer Lewis interrogated the Plaintiff despite the fact that his
 328 audio recorder was on.

329 C. The incident was classified as a "disturbance/other" in the GO database
 330 and as an "anti homosexual gay/lesbian crime" on the incident report.

331 D. Defendant Officer Lewis gave the Plaintiff a business card with a case
 332 number that never existed.

333 **7. DEFENDANTS BLAME PLAINTIFF FOR ASSAULT**

334 A. Defendant Officer Lewis exited the AMR vehicle to consult with other
 335 responding Defendants and is quoted in the AMR report; paramedic
 336 recorded interviews and heard by the Plaintiff and her friends referring
 337 to the Plaintiff as "a crazy white girl".

338 B. The above referenced statement made by said Defendant(s) violates
 339 Titles 5, Section 1 of the SPD Policies and Procedures Manual.

340 C. The AMR report and paramedic interviews also note Officer Lewis's "very
 341 abrasive tone and aggressive affect". Two bystanders are recorded on
 342 audio expressing their anger and lack of understanding as to why the men
 343 were not arrested, stating that, "I don't care who said what, anytime you
 344 have a bodily injury from an assault, someone needs to go to jail".

345 **8. TITLE 15, SECTION 120-POL IN VIEW OF RCW 9A.36.080 AND SMC**
 346 **12A.06.115**

347 A. Title 15, Section 120-POL outlines the policies pertaining to the Seattle
 348 Police Department's responses to cases of "malicious harassment and
 349 other incidents involving bias elements".

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- B. Per RCW 9A.36.080 and SMC 12A.06.115, a person is guilty of malicious harassment if, because of his or her perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (felony), homelessness, marital status, political ideology, age, or parental status (misdemeanor), he or she maliciously and intentionally commits at least one of the following acts: causes physical injury to another person, by threat, places another person in reasonable fear of harm to his or her person or property or to the person or property of a third person, or causes physical damage to or destruction of the property of another person.
- C. Title 15, Section 120-POL, Chapter 2 of the Seattle Police Department manual states "A Sergeant will be dispatched to the Scene of a Malicious Harassment Incident Along with the Patrol Officers".
- D. The sergeant will make sure that the officers conduct a thorough investigation at the scene of the incident, with special emphasis placed on preserving physical evidence.
- E. When the Plaintiff asked one of the Defendants, Officer Lewis, who had obviously taken the lead on this incident, why none of the men were arrested, he told her it was because this is a bias crime and there are no "unbiased, independent" witnesses.
- F. When the Plaintiff asked the Defendants about Mr. Sohaib, Officer Lewis told her he was friends with all of the men and was on his way to meet up with them. The Defendant said that all Mr. Sohaib wanted was an apology and that he dropped all charges once Mr. Hayward apologized. These remarks are strongly contradicted by body cam videos of the Defendant's interaction with Mr. Sohaib and the assailants as well as Mr. Sohaib's 911 call.
- G. There were many people around at the time of the incident. The Defendants did not attempt to find any other witnesses, did not take any photographs, or preserve any evidence, despite their official duty to do so per Title 15, Section 120 of the SPD Policies and Procedures Manual in view of RCW 9A.36.080 and SMC 12A.06.115.

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November 9TH, 2018**9. DEFENDANTS VIOLATE RCW 9A.80.010 – OFFICIAL MISCONDUCT**

- A. When the Plaintiff asked the Defendants if another officer could come to take her report, Officer Lewis responded sarcastically saying, “Do you want me to call the Sergeant over? She’s already at the other scene with the other party?”
- B. The Plaintiff responded, “Yes, I would like the Sergeant to come.” Defendant, Officer Lewis said, “Fine, I’ll call her over.”
- C. There is no record of the Defendant, Sergeant Woolum, ever being at Harvard and Pike street where the Defendants initially encountered the assailants.
- D. Further, the Plaintiff asked Defendant Sergeant Woolum to ensure that Defendant Officer Lewis did not write the police report.
- E. Defendant Sergeant Woolum told the Plaintiff that it wasn’t possible to have another one of the Defendants file the report. Defendant Sergeant Woolum offered to file a complaint with the OPA on the Plaintiff’s behalf—a gesture that seemed genuine to the Plaintiff at the time.
- F. The Plaintiff informed Defendant Sergeant Woolum that she would be filing a complaint herself and “was not going to just let this incident go”.
- G. Several days after the incident, Defendant Sergeant Woolum filed an OPA complaint against Defendant Officer Lewis.
- H. The OPA complaint filed by Defendant Sergeant Woolum came days after repeated phone calls and visits to the East Precinct Department by the Plaintiff which resulted in unsuccessful attempts to submit physical evidence and have her injuries photographed and documented and sent for review by the “homicide detective.”
- I. When a crime is classified as “Bias” it is required for the Sergeant to be dispatched along with other patrol officers to ensure that a thorough investigation is conducted and all physical evidence is preserved.
- J. Given the Defendants’ classification of this incident as a bias crime in the incident report, the Sargent should have been immediately dispatched to both scenes per the guidelines in Title 15 of the SPD Manual.

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- 412 K. One of the AMR officers stepped outside of the vehicle informing the
413 Defendants that the Plaintiff needed to be transported to the hospital and
414 asked if the Sergeant could meet the Plaintiff at the hospital.
- 415 L. The Defendants replied no and are then captured on video after the
416 paramedic returned inside the AMR vehicle laughing about the request,
417 saying “No, sorry the Sergeant isn’t going to come to the hospital for you”.
- 418 M. Aside from the Sergeant, who appeared nearly an hour after the
419 responding Defendants arrived, every one of the assailants and all of the
420 Defendants were male.
- 421 N. According to Title 15, Section 120, Article 2 of the SPD manual, the
422 Sergeant should have been dispatched to the scene along with patrol
423 officers, not after the Plaintiff explicitly requested another the Sergeant
424 come.
- 425 O. On the way to the Emergency Room at Virginia Mason hospital, one of the
426 paramedics offered the Plaintiff a bag to collect the hair that the attackers
427 ripped from the victim’s head and was continuously falling out.
- 428 P. Defendants refused to preserve physical evidence on multiple occasions.
- 429 **10. DEFENDANTS VIOLATE RCW 42.20.100 – FAILURE OF DUTY**
- 430 A. That same day, on October 8th, the Plaintiff returned to the East Precinct
431 to submit the evidence bag of hair and requested that Defendants take
432 photos of her injuries.
- 433 B. A Defendant at the front desk informed her that they don’t accept
434 physical evidence “for these types of cases”.
- 435 C. This Defendant was clearly under the impression that this was a
436 “disturbance/other” case, as classified in the GO database—a mistake the
437 Plaintiff believes Defendant Officer Lewis, et al, intentionally made to
438 further discredit her testimony and prevent further investigation into the
439 incident.

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D. The Plaintiff returned several times urging the Defendants to submit the evidence. Each time, the Defendants refused to accept the evidence despite the fact that the Defendants should have initially made efforts to preserve all physical evidence per the SPD guidelines of Title 15.

11. PLAINTIFF FILES COMPLAINT WITH OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)

A. Several days later, the Plaintiff went down to the OPA to file her own complaint against the Defendants and submitted a request for disclosure of all reports, police audio and videotapes.

B. Her request for disclosure was stalled as Defendant Officer Lewis had given the Plaintiff a business card with a case number that didn't exist. The Plaintiff has maintained a copy of this card to this day and also submitted a photograph of it to the Defendants at the OPA.

C. The Plaintiff was unaware of this error until the Public Disclosure Unit informed her that no such case number existed.

12. DEFENDANT(S) INTIMIDATE OPA INVESTIGATION WITNESSES VIOLATING

A. About a month and a half after the incident, Defendant Officer Lewis, went to Cactus restaurant in Madison Park to eat while he was off-duty. One of the Plaintiff's friends, Natalie Caldwell, who was with her that night and traveled in the ambulance with her was working and recognized the Defendant. The Defendant also recognized Ms. Caldwell. He approached her and aggressively said, "You're that girl who yelled at me that one night on Capitol Hill."

B. This encounter was unprofessional, inappropriate, intimidating and provides factual evidence of retaliation given Ms. Caldwell is listed as one of the witnesses in the OPA investigation against the Defendant(s).

13. PHYSICAL AND MENTAL IMPLICATIONS OF DEFENDANTS RESPONSE TO INCIDENT

A. On Thursday, October 12th, the Defendant went to an appointment with her hairstylist.

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- 470 B. The Defendant's hair stylist, Madison Walker, has been cutting her hair
471 since she was in 4th Grade.
- 472 C. When examining the Defendant's scalp, Ms. Walker began crying and
473 estimated that at least 25% of her hair had been ripped from her scalp.
- 474 D. Ms. Walker was not able to assure the Defendant that the hair would
475 grow back, as five days after the incident the bruising and redness was
476 still evident.
- 477 E. Ms. Walker urged the Plaintiff to see a dermatologist as soon as possible.
- 478 F. The Plaintiff consulted two different dermatologists who informed her
479 that her hair might grow back, but more hair may fall out in three months
480 due to the physical and emotional stress of the incident.
- 481 G. On October 15, 2017, the Plaintiff returned to the Virginia Mason
482 Emergency Room.
- 483 H. The Plaintiff returned due to concern regarding worsening head and scalp
484 pain along with depressed mood, flashing in her peripheral vision, and
485 the feeling that was going to die.
- 486 I. The Plaintiff was released and advised to immediately seek treatment for
487 anxiety and trauma regarding the incident and the way it was handled by
488 the Defendants.
- 489 J. On December 22, 2017, a psychiatrist evaluated the Plaintiff.
- 490 K. The Plaintiff underwent this evaluation for continued nightmares,
491 extreme anxiety and hyper vigilance at night.
- 492 L. She was diagnosed with acute stress disorder and was prescribed a
493 medication typically prescribed to veterans with PTSD to reduce
494 nightmares and was urged to seek therapy to prevent the development of
495 PTSD.
- 496 M. The Plaintiff contacted multiple therapists but was unable to get
497 treatment due to financial restrictions and limited scope of professionals
498 contracted with her health insurance plan.
- 499 N. On February 17, the Plaintiff returned to her dermatologist.
500 She was evaluated for increased hair loss.

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501 O. Her dermatologist confirmed that she had lost more hair since she was
502 seen in October and that the cause was most likely due to stress from the
503 incident, which triggered surrounding hair follicles to go into a resting
504 stage.

505 P. This case was never assigned to a homicide detective and while the
506 concluded OPA investigation found some of the Plaintiff's allegations to
507 be sustained, the Plaintiff is seeking further reaffirmation to uphold the
508 serious. At the time of filing this Complaint, no detective has been
509 assigned to this case.

510 V. FIRST CAUSE OF ACTION

511 1. **OFFICIAL MISCONDUCT RCW 9A.80.010**

512 A. RCW 9A.80.010 states that a public servant is guilty of Official Misconduct
513 if with intent to deprive another person of a lawful right or privilege, he
514 or she intentionally refrains from performing a duty imposed upon him
515 or her by law.

516 B. Any elected, appointed, or designated officer or employee of government,
517 and any person participating as an advisor, consultant, or otherwise in
518 performing a governmental function; is considered a "public servant"
519 pursuant to the definition outlined in Section 9 of RCW 9A.04.110.

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C. The Defendants engaged in Official Misconduct via their failing to uphold the policies and procedures outlined in the SPD Manual, denying the Plaintiff equal protection of the laws as set forth in the Fourteenth Amendment of the United States Constitution, engaging in bias-policing, attempting to discredit the Plaintiff in the written police report, failing to conduct a thorough investigation, failing to acknowledge statements made by the only independent witness, and ignoring the Plaintiff's First Amendment right to free speech, as even if the Plaintiff had made the verbal remarks alleged by her assailants and restated in the OPA investigation by Defendant Officer Lewis, which she did not, those remarks would still not justify assault or battery as defined by common law.

VI. SECOND CAUSE OF ACTION

1. FALSE REPORT RCW 42.20.040

- A. RCW 42.20.040 states that no public officer shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law.
- B. The Defendants made numerous misleading statements and falsifications on the official police report.
- C. On the report, Defendant Officer Lewis listed the Plaintiff as having a drug and alcohol disability. The Plaintiff has never been charged, convicted, or arrested for any drug or alcohol related offense. She told Officer Lewis that she had not had a drink for two hours prior to the incident and only had two drinks, a bloody mary and a vodka soda, that night between 9:00 and 10:00pm.
- D. Francisco Hayward, one of the assailants who was questioned by the Defendants, has been arrested for multiple DUI's as well as a violation of DUI ignition interlock devices.

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- 548 E. Another one of the men, who is not identified on the police report at all,
549 was captured on body-cam video urinating in the middle of the sidewalk
550 with an open container of tequila in his back pocket.
- 551 F. The Defendants verbally acknowledged this violation but did not issue
552 any citation or even a warning.
- 553 G. The Defendants classified this case as an “Anti-homosexual (gay/lesbian)”
554 crime on the incident report, implying that the Plaintiff was at fault for
555 the entire incident.
- 556 H. The Defendant’s incident report excludes the assault against the Plaintiff
557 and no details surrounding the Plaintiff’s injuries are included.
- 558 I. The plaintiff is a female and suffered numerous documented bodily
559 injuries that required two separate visits to the ER.
- 560 J. The Plaintiff was attacked by a group of men that were positively
561 identified by the independent witness, Mr. Sohaib, who was also
562 assaulted by the men when he attempted to stop the assault.
- 563 K. The independent witness also called 911 at the same time the Plaintiff
564 called 911 and it was immediately determined that the cases were
565 related.
- 566 L. Defendant, Officer Lewis, failed to mention or detail the assault in the
567 official police report, yet described in great detail Mr. Ragunton’s broken
568 nail.
- 569 M. Defendant Officer Lewis also lied to the Plaintiff about the relationship of
570 the independent witness, Mr. Sohaib, to the group of men who assaulted
571 the Plaintiff and Mr. Sohaib.
- 572 N. Defendant Officer Lewis told the Plaintiff the men had “blood all over
573 them,” that the independent witness was not actually an independent
574 witness because he was friends with all of them and was on his way to
575 meet up with them.
- 576 O. Surely, this would be corroborated had the audio recording evidence of
577 Defendant Officer Lewis making these statements hadn’t mysteriously
578 disappeared.

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- P. Defendant Officer Lewis's justification of his conduct, reporting, and performance was greatly influenced by the other parties' allegations that the Plaintiff had yelled racial and homophobic slurs at the men, an insinuation Defendant Officer Lewis was actually the first to suggest.
- Q. The men who assaulted the Plaintiff obviously seized this opportunity knowing that they were guilty of committing a serious crime.
- R. Defendant Officer Lewis intentionally attempted to discredit the Plaintiff and frame the Plaintiff as the one at fault for the incident by intentionally excluding relevant information, exaggerating irrelevant information, and switching the physical descriptions of Mr. Ragunton and Mr. Hayward to make his report sound more accurate. In doing so, Defendant Officer Lewis involved other Defendants who were present during this incident and approved, reviewed, signed off on his written incident report.

VII. THIRD CAUSE OF ACTION

1. FAILURE OF DUTY RCW 42.20.100 IN VIEW OF RCW 9A.36.080 MALICIOUS HARASSMENT

- A. RCW 42.20.100 states that willful neglect of any duty enjoined by law upon any public officer constitutes failure of duty. The Defendants failed to perform their duties pursuant to the SPD guidelines set forth for violations pertaining to RCW
- B. RCW 9A.36.080 states that a person is guilty of malicious harassment if he or she maliciously and intentionally causes physical injury to the victim or another person, threatens a specific person or group of persons and places that person, or members of the specific group of persons because of his or her perception of the victim's race, color, gender or sexual orientation. The fear must be a fear that a reasonable person who is a member of the victim's race, color, gender, or sexual orientation as the victim would have under all of the circumstances. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat.

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- 609 C. Threatening words do not constitute malicious harassment if it is
610 apparent to the victim that the person does not have the ability to carry
611 out the threat.
- 612 D. The Defendants classified this case as an "Anti-homosexual (gay/lesbian)
613 crime".
- 614 E. According the SPD Manual, specific policies and procedures must be
615 followed for all hate crimes or crimes with bias elements.
- 616 F. Section 2 of 15.120 – POL states that a Sergeant will be dispatched to the
617 scene of a harassment incident along with the patrol officers. The
618 Sergeant will make sure that the officers conduct a thorough investigation
619 at the scene of the incident, with special emphasis placed on preserving
620 physical evidence.
- 621 G. The Defendants dispatched a Sergeant to the scene where the suspects
622 were questioned, but did not dispatch a Sergeant to the scene where the
623 incident occurred and where the Plaintiff was waiting in an Ambulance
624 until the Plaintiff requested one respond and one arrived at least an hour
625 later.
- 626 H. No investigation was conducted and all of the men who assaulted the
627 Plaintiff were released before any of the Defendants arrived to the scene
628 of the alleged crime where the Plaintiff was waiting in an ambulance.
- 629 I. It was not until the Plaintiff explicitly requested another officer be
630 dispatched to the scene that Defendant Officer Lewis said, "What do you
631 want me to do? Call the Sergeant? She's already down the street with the
632 other 'victims'".
- 633 J. While Defendant Officer Lewis referred to Defendant Sergeant Woolum,
634 she was actually never at the scene where the group of men were
635 questioned. It was actually Defendant Sergeant Raguso who responded to
636 the site where the men were questioned.
- 637 K. At this stage, all of the responding Defendants, including Defendant
638 Sergeant Raguso, were male.

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- 639 L. The Sergeant should have been immediately dispatched to the scene
640 where the incident occurred and the Plaintiff was waiting along with
641 patrol officers.
- 642 M. The Plaintiff is a female who was assaulted by a group of men and then
643 further accused and aggressively questioned by the Defendants who were
644 all men.
- 645 N. The physical capabilities of men are already much greater than that of
646 women due to biological differences in size, strength, muscle fibers, and
647 ability to execute force.
- 648 O. No physical evidence was preserved, no photographs were taken, and no
649 attempt was made by the Defendants to find other individuals who had
650 also witnessed the assault.
- 651 P. The Plaintiff also offered to take a polygraph to prove the allegations
652 made by the Defendants and the men who assaulted her were completely
653 fabricated and unrelated to the assault.
- 654 Q. Defendant Sergeant Woolum, who was the only other female involved in
655 this incident, filed a complaint with the Office of Professional
656 Accountability (OPA) against responding patrol officers days after the
657 incident. While the Plaintiff initially thought Defendant Sergeant Woolum
658 was standing up for the extreme atrocities of this incident and the way it
659 was handled, it has become increasingly evident Defendant Sergeant
660 Woolum filed this complaint to protect herself — perhaps once she
661 realized the Plaintiff really was not going to just forget about the incident
662 and “let it go”.

663 VIII. FOURTH CAUSE OF ACTION

- 664 1. **FAILURE OF DUTY RCW 42.20.100 IN VIEW OF RCW 9A.36.011 AND RCW**
665 **10.31.100**

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- 666 A. RCW 42.20.100 states that willful neglect of any duty enjoined by law
667 upon any public officer constitutes failure of duty. The Defendants failed
668 to perform their duties pursuant to the SPD guidelines set forth for
669 violations pertaining to RCW 9A.36.011.
- 670 B. RCW 9A.36.011 states that a person is guilty of assault in the first degree
671 if he or she, with intent to inflict great bodily harm, assaults another by
672 any force or means likely to produce great bodily harm or death; or
673 assaults another and inflicts great bodily harm.
- 674 C. When the group of men physically assaulted the Plaintiff, she was neither
675 in a position to defend herself nor had the physical capabilities to carry
676 out the allegations made against her. This should have been immediately
677 apparent to the responding Defendants. An independent witness also
678 called 911 to report the assault and followed the men to ensure they
679 would be apprehended for assaulting the Plaintiff. It is very unlikely that
680 the men who assaulted the Plaintiff and the independent witness would
681 run away without calling 911 to report the assault if they were not
682 actually the perpetrators of the incident.
- 683 D. Defendant Officer Lewis questioned the independent witness behind a
684 corner outside the view of all other Defendants' body cameras and audio
685 recorders.
- 686 E. Defendant Officer Lewis did not turn on his audio recorder; therefore
687 there is no audio record or video recording of him questioning the
688 independent witness.
- 689 F. Though at least one of the men who assaulted the Plaintiff was a repeat,
690 violent offender with multiple previous felony assault charges and at least
691 one felony assault conviction, the Defendants released all men before
692 they responded to the scene where the Plaintiff was waiting in an
693 ambulance and did not do a criminal background check on the Plaintiff or
694 any of the other parties involved.

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- 695 G. The Defendants informed the Plaintiff that the men were also injured and
696 "had blood everywhere". This is a false statement as the only injury
697 sustained by all member of the party was a broken nail.
- 698 H. The Defendants should have made at least one arrest and/or should have
699 followed their Official Duty to protect the Plaintiff by providing her with
700 the resources and information needed to file a protection order against
701 the men. They did not.
- 702 I. None of the men called 911 or attempted to report their allegations
703 against the Plaintiff to the Defendants. Instead, they ran away from the
704 scene of the incident and made these allegations after the independent
705 witness called 911, followed the men several blocks west down Pike
706 street and led responding Defendants to their location.
- 707 J. The group of men identified by the Plaintiff and the independent witness
708 fled the scene where they assaulted the Plaintiff and not a single one of
709 them reported or attempted to report their allegations against the
710 Plaintiff until the Defendants approached them and Defendant Officer
711 Lewis asked if they believe they were "targeted" by the Plaintiff because
712 of their race and/or sexual orientation.
- 713 K. The Defendants are captured on video and audio talking to the group of
714 men about how the Plaintiff was lucky "no one had a gun or a knife,"
715 implying that she deserved to die and also implying that if any of them
716 had a gun or a knife at the time this incident occurred, the Plaintiff would
717 likely be dead.
- 718 L. At least one of the Defendants, Officer Lewis, failed to activate his audio
719 recording device.
- 720 M. It is clear in the video footage that his audio recorder is turned off as no
721 red light is flashing while he is questioning the men and the independent
722 witness behind a storefront outside the range of other Defendants audio
723 and video recorders.
- 724 N. In the ambulance, the Plaintiff asked Defendant Officer Lewis if she could
725 use her cell phone to videotape and record his conduct with her.

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O. He aggressively slapped the red flashing device on his chest and informed her it was already being recorded. There are several witnesses to corroborate this account.

P. No such audio recording of Defendant Officer Lewis appears to exist. The Plaintiff has been provided with all available and accessible records from the Seattle Police Department Public Disclosure Unit and the audio recordings of Defendant Officer Lewis have either mysteriously disappeared and/or cannot be found in any record of this case.

IX. FIFTH CAUSE OF ACTION

1. VIOLATION OF THE FIFTH AMENDMENT

A. The Fifth Amendment of the United States Constitution states that “No person. . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. . . without just compensation.”

B. The Defendant’s failure to follow proper SPD policies and procedures, falsely reporting the aforementioned incident, and avoiding investigation of the incident, is an abuse their discretion — whether intentional or not, this is a violation of the Plaintiff’s Fifth Amendment right to Due Process.

C. The Defendants deprived the Plaintiff of her life and liberty: psychologically, emotionally, and financially.

D. In their response to this incident, the Defendants not only failed to perform their Official Duty, as defined by RCW, SMC, and SPD laws and standards, but also projected their own institutional deficiencies onto the Plaintiff by releasing the suspects before interviewing the Plaintiff or arriving at the scene where the incident originally occurred, prematurely determining the nature and cause of the incident, falsely reporting the incident to justify these deficiencies, and further attempting to intervene in the outcome of the Plaintiff’s OPA complaint by intimidating involved witnesses.

X. SIXTH CAUSE OF ACTION

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November 9TH, 2018**1. VIOLATION OF THE FOURTEENTH AMENDMENT**

- A. The Due Process and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution states that “[No] State [shall] deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”**
- B. The Defendants violated the Plaintiff’s Fourteenth Amendment right to Due Process through their failure of duty, false reporting, and misconduct.**
- C. The Defendants violated the Plaintiff’s Fourteenth Amendment right to Equal Protection of the laws by not enforcing the laws violated during the incident in questions.**
- D. The Defendants further violated the Plaintiff’s Fourteenth Amendment right to Equal Protection by falsely reporting information and adding unsubstantiated information that could knowingly discredit the Plaintiff’s testimony.**
- E. The Defendants further violated the Plaintiff’s Fourteenth Amendment right to Equal Protection of the laws by failing to protect her. The Plaintiff’s belief that the Defendants are capable and/or willing to protect her and the rest of the public has been shattered. The Plaintiff now knows that Equal Protection of the laws, as defined by the Fourteenth Amendment of the United States Constitution, will never exist as long as the scale is tipped in favor of the institutions that enforce them.**

XI. DAMAGES AND RELIEF REQUESTED**1. COMPENSATORY DAMAGES:**

- A. The Plaintiff is seeking \$50,000 in emotional distress damages.**

2. PUNITIVE DAMAGE

- A. The plaintiff is seeking \$50,000 in punitive damages.**

3. REMOVAL OF FALSIFIED INFORMATION ON SPD DATABASE

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- 785 A. The Plaintiff is seeking to have the Defendant remove their note listing
 786 her as having a “drug and alcohol disability” from their record(s) and
 787 database.
- 788 B. The note on the Plaintiff’s record — created by the Defendant was
 789 completely unnecessary and unsubstantiated given the Plaintiff was
 790 never arrested, charged, or convicted with any drug or alcohol related
 791 crime or incident.
- 792 C. While the suspects that the Plaintiff alleges violently assaulted her were
 793 acknowledged by the Defendants for violating several state and municipal
 794 laws, the suspects were never cited for any. At least one of the suspects
 795 also had a violent a drug-related criminal history.

796 **XII. EXHIBITS**

- 797 1. **EXHIBIT A - 2017OPA-1080 CASE CLOSE SUMMARY**
- 798 2. **EXHIBIT B - POLICE REPORT - 17-374035_REDACTED**
- 799 3. **EXHIBIT C - SOHAIB 911 CALL - AUDIO_1779785**
- 800 4. **EXHIBIT D - ISABELLE 911 CALL - AUDIO_1779786**
- 801 5. **EXHIBIT E - SUSPECT VIDEO - AXON_BODY_2_VIDEO_2017-10-08_0054**
- 802 6. **EXHIBIT F - SUSPECT TO OFFICER - 7715_4020171008010502**
- 803 7. **EXHIBIT G - OFFICER TO ATTACKERS - CHARGING BIAS CRIME -**
 804 **6793_4020171008011642**
- 805 8. **EXHIBIT H - SCISSOR LIFT - IMG_2626**
- 806 9. **EXHIBIT I - SCISSOR LIFT VIDEO TIME STAMP - IMG_2627**
- 807 10. **EXHIBIT J - VIDEO AMBULANCE SCENE - AXON_BODY_2_VIDEO_2017-10-**
 808 **08_0128_REDACTED**
- 809 11. **EXHIBIT K - VIDEO AMBULANCE - 8395%4020171008005933_REDACTED**
- 810 12. **EXHIBIT L - BYSTANDER TESTIMONY TO OFFICER -**
 811 **8395%4020171008005934_REDACTED**
- 812 13. **EXHIBIT M - AMBULANCE SCENE - AXON_BODY_2_VIDEO_2017-10-**
 813 **08_0128-2_REDACTED**
- 814 14. **EXHIBIT N - INCORRECT CASE NUMBER**
- 815 15. **EXHIBIT O - CALL FROM OFFICER TO PARAMEDICS - AUDIO_1779788**

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816 16. EXHIBIT P - ERIN TO SRGT - INDEPENDENT WITNESS
817 6269_4020171100814643

818 17. EXHIBIT Q - SUSPECT INJURY - SCREEN SHOT 2017-11-14 AT 11.50.58 PM

819 18. EXHIBIT R - 2017OPA-1080 AUDITOR CERTIFICATION MEMO AS UNTIMELY

820 19. EXHIBIT S - 2017OPA-1080 CIVILIAN (DND__) - SGT ANTHONY
821 BENNETT_REDACTED

822 20. EXHIBIT T - 2017OPA-1080 CIVILIAN (DND_) - SGT ANTHONY
823 BENNETT_REDACTED

824 21. EXHIBIT U - 2017OPA-1080 CIVILIAN (DND) - SGT ANTHONY
825 BENNETT_REDACTED

826 22. EXHIBIT V - 2017OPA-1080 OPA CLASSIFICATION REPORT

827 23. EXHIBIT W - 2017OPA-1080 INVESTIGATION PLAN & CASE
828 SUMMARY_REDACTED

829 24. EXHIBIT X - FRANCISCO HAYWARD BACKGROUND PROFILE

830 25. EXHIBIT Y - 2017OPA-1080 INTAKE FOLLOW-UP_REDACTED

831 26. EXHIBIT Z - 2017OPA-1080 PAS ENTRY - RAGUSO

832 27. EXHIBIT Z0 - 2017OPA-1080 CASE COMPLETION MEMO

833 28. EXHIBIT Z1 - 2017OPA-1080, LEWIS SIGNED RECEIPT, WRITTEN
834 REPRIMAND

835 29. EXHIBIT Z2 - 2017OPA-1080 COMPLAINANT VM 06-11-18

836 30. EXHIBIT Z3 - 2017OPA-1080 AMR DOCUMENTS PROVIDED BY
837 COMPLAINANT

838 31. EXHIBIT Z4 - 2017OPA-1080 AUDIO_1790674 911 CALL #1

839 32. EXHIBIT Z5 - 2017OPA-1080 AUDIO_1790675 911 CALL #2

840 33. EXHIBIT Z6 - 2017OPA-1080 AUDIO_1790676 911 CALL #3

841 34. EXHIBIT Z7 - 2017OPA-1080 AUDIO_1790677 911 CALL #4

842 35. EXHIBIT Z8 - 2017OPA-1080 COMPLAINANT VM (1-16-2018)

843 36. EXHIBIT Z9 - 2017OPA-1080 COMPLAINANT VM (2-23-2018)

844 37. EXHIBIT Z10 - 2017OPA-1080 DCM FINAL

845 38. EXHIBIT Z11 - 2017OPA-1080 DISCIPLINE MEETING

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- 846 **39. EXHIBIT Z12 - 2017OPA-1080 INTERVIEW AVAILABILITY REQUEST - LEWIS**
847 **020218**
- 848 **40. EXHIBIT Z13 - 2017OPA-1080 INTERVIEW AVAILABILITY REQUEST -**
849 **RAGUSO 020218**
- 850 **41. EXHIBIT Z14 - 2017OPA-1080 MEDICAL RELEASE FORM OPA ISABELLE**
851 **KERNER**
- 852 **42. EXHIBIT Z15 - 2017OPA-1080 OPA CLASSIFICATION NOTIFICATION EMAIL**
- 853 **43. EXHIBIT Z16 - 2017OPA-1080 ORIGINAL COMPLAINT SUMMARY**
- 854 **44. EXHIBIT Z17 - 2017OPA-1080 SWORN EMPLOYEE IN-PERSON INTERVIEW**
855 **NOTIFICATION - RAGUSO 020618**
- 856 **45. EXHIBIT Z18 - 2017OPA-1080 SWORN WITNESS EMPLOYEE IN-PERSON**
857 **INTERVIEW NOTIFICATION - CLARK 020218**
- 858 **46. EXHIBIT Z29 - 2017OPA-1080 SWORN WITNESS EMPLOYEE IN-PERSON**
859 **INTERVIEW NOTIFICATION - PATTON 020618**
- 860 **47. EXHIBIT Z20 - 2017OPA-1080 SWORN WITNESS IN-PERSON INTERVIEW**
861 **NOTIFICATION - AGUIRRE 020618**
- 862 **48. EXHIBIT Z21 - 2017OPA-1080 SWORN WITNESS IN-PERSON INTERVIEW**
863 **NOTIFICATION - JORDAN 020618**
- 864 **49. EXHIBIT Z22 - 2017OPA-1080 SWORN WITNESS IN-PERSON INTERVIEW**
865 **NOTIFICATION - WARNOCK 020618**
- 866 **50. EXHIBIT Z23 - 2017OPA-1080 SWORN WITNESS IN-PERSON INTERVIEW**
867 **NOTIFICATION - WOOLLUM 020618**
- 868 **51. EXHIBIT Z24 - 2017OPA-1080 WITNESS EMPLOYEE - INTERVIEW**
869 **AVAILABILITY REQUEST - WOOLLUM 020218**
- 870 **52. EXHIBIT Z25 - 2017OPA-1080 WITNESS OFFICER - INTERVIEW**
871 **AVAILABILITY REQUEST - ABTS-OLSON 020218**
- 872 **53. EXHIBIT Z26 - 2017OPA-1080 WITNESS OFFICER - INTERVIEW**
873 **AVAILABILITY REQUEST - CLARK 020218**
- 874 **54. EXHIBIT Z27 - 2017OPA-1080 WITNESS OFFICER - INTERVIEW**
875 **AVAILABILITY REQUEST - WARNOCK 020218**
- 876 **55. EXHIBIT Z28 - 2017OPA-1080, LEWIS PROPOSED DAR PACKET**

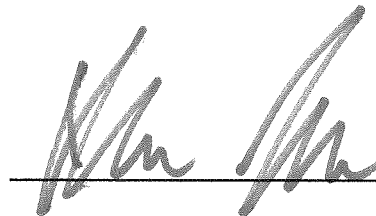
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- 877 **56. EXHIBIT Z29 - 2017OPA-1080, LEWIS WRITTEN REPRIMAND PACKET**
- 878 **57. EXHIBIT Z30 - 2017OPA-1080 COMPLAINANT VM 06-07-18**
- 879 **58. EXHIBIT Z31 - ISABELLE TO SRGT - EXPLAINING OFFICER CONDUCT -**
880 **ADMITTING TO INDEPENDENT WITNESS - 6269_4020171008014644**
- 881 **59. EXHIBIT Z32 - ARM INJURIES**
- 882 **60. EXHIBIT Z33 - HAIR/SCALP INJURIES**
- 883 **61. EXHIBIT Z34 - LEG CONTUSIONS**
- 884 **62. EXHIBIT Z35 - INJURY/MEDICAL RECORDS**

885 Dated this 9th day of November 2018.

886

A handwritten signature in dark ink, appearing to read 'Isabelle Jean Kerner', is written over a horizontal line.

887

ISABELLE JEAN KERNER

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PRO SE